

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : ARANYI, et al

Examiner: Grazier, Nyeemah

Art Unit: 1626

Application No.: 10/507,005

Filed: January 31, 2005

Title: New Compounds

Response to the Restriction Requirement

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

This paper is in response to the Office Action mailed 07/25/2006, wherein an Election/Restriction of Applicants claimed invention was required. Filed herewith is also a Petition for Extension of time pursuant to 37 CFR §1.136(a) for five (5) months.

REMARKS

The Examiner's purported basis for requiring the Election/Restriction is that the instant application contains inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner has identified no less than TWENTY-TWO groups and further states that the listing is not exhaustive.

The Examiner asserts that, pursuant to Section B (Markush Practice) MPEP§1850 (B), the invention does not meet the unity of invention criteria because (1) the core structure is not the unifying criteria and (2) the variables do not belong to a "recognized class of chemical compounds in the art to which the invention pertains." MPEP§1850 (2004).

The Examiner states: "[t]he special technical feature is the pyrrolidiny1 moiety. Unity of invention is lacking because the core is not novel, infra. Claims 30-74 are drawn to more than one inventive concept (as defined by PCT Rule 13), and accordingly, a restriction is required according to the provision of PCT Rule 13.2." Office Action at page 3.